

111TH CONGRESS
1ST SESSION

H. R. 3848

To amend the Inspector General Act of 1978 to provide authority for Inspectors General to subpoena former agency employees, agency contractors, and employees of contractors for testimony, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 20, 2009

Mr. CONYERS introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

To amend the Inspector General Act of 1978 to provide authority for Inspectors General to subpoena former agency employees, agency contractors, and employees of contractors for testimony, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Inspector General Au-
5 thority Improvement Act of 2009”.

1 **SEC. 2. SUBPOENA AUTHORITY FOR INSPECTORS GENERAL**
2 **TO REQUIRE TESTIMONY OF CERTAIN PER-**
3 **SONS.**

4 Section 6 of the Inspector General Act of 1978 (5
5 U.S.C. App.) is amended—

6 (1) in subsection (a)—

7 (A) at the end of paragraph (8), by strik-
8 ing “and”;

9 (B) at the end of paragraph (9), by strik-
10 ing the period and inserting “; and”;

11 (C) by adding at the end the following new
12 paragraph:

13 “(10) to require by subpoena the testimony of
14 certain persons, as provided in subsection (g).”; and

15 (2) by adding at the end the following new sub-
16 section:

17 “(g)(1) Subject to paragraph (2), each Inspector
18 General of an establishment, in carrying out the provisions
19 of this Act, is authorized to issue a subpoena to require
20 any individual who is—

21 “(A) a former employee of the establishment;

22 “(B) a former employee of a contractor (or sub-
23 contractor at any tier under the contractor) of the
24 establishment; or

25 “(C) a former contractor (or subcontractor at
26 any tier under the contractor) of the establishment;

1 to provide testimony by deposition that relates to matters
2 occurring in connection with that individual's employment
3 with the establishment or status as a contractor or em-
4 ployee of a contractor (or subcontractor) of the establish-
5 ment.

6 “(2)(A) A subpoena issued under paragraph (1) shall
7 provide reasonable notice to the individual whose testi-
8 mony is sought and shall state the name of that individual
9 and the place of taking the testimony.

10 “(B) The testimony sought through a subpoena
11 issued under paragraph (1) shall be taken under oath. The
12 Inspector General shall prepare, or cause to be prepared,
13 a transcript of the testimony taken.

14 “(C) An individual whose testimony is taken pursu-
15 ant to a subpoena issued under paragraph (1) is entitled
16 to the same fees and mileage paid for those services in
17 the courts of the United States.

18 “(3)(A) At least 7 days before issuing a subpoena
19 under this subsection, an Inspector General shall notify
20 the Attorney General of the subpoena and the nature of
21 the testimony sought.

22 “(B) The Inspector General may not issue the sub-
23 poena if the Attorney General informs the Inspector Gen-
24 eral, within 7 days after receipt of the notification under
25 subparagraph (A), that the Attorney General objects to

1 the issuance of the subpoena on one or more of the
2 grounds listed in clauses (i) through (iv) of subparagraph
3 (C).

4 “(C) If the Attorney General objects to the issuance
5 of the subpoena and informs the Inspector General as de-
6 scribed in subparagraph (B), the Attorney General shall,
7 within 30 days after receipt of the notification under sub-
8 paragraph (A), find in writing that the taking of the testi-
9 mony—

10 “(i) is likely to endanger the national security
11 of the United States;

12 “(ii) is likely to interfere with any Federal or
13 State criminal investigation or prosecution;

14 “(iii) is likely to interfere with any civil litiga-
15 tion to which the United States or any of its agen-
16 cies is or is likely to be a party; or

17 “(iv) otherwise is not authorized by this Act.

18 “(4)(A) Except as provided in subparagraph (B), any
19 subpoena issued under this subsection may be enforceable
20 in the district where the individual whose testimony is
21 sought by subpoena resides, or, upon consent of the indi-
22 vidual and the Inspector General, in the District of Colum-
23 bia or in the district of the individual’s place of employ-
24 ment when working for the establishment, contractor, or
25 subcontractor.

1 “(B) A proceeding to enforce a subpoena may be
2 brought in the United States District Court for the Dis-
3 trict of Columbia if the individual whose testimony is
4 sought by the subpoena resides within 25 miles of the Dis-
5 trict of Columbia and if the complaint seeking enforce-
6 ment alleges that a significant portion of the matters that
7 are expected to be the subject of the investigation occurred
8 in the District of Columbia.

9 “(C) The Attorney General shall represent an Office
10 of Inspector General in the enforcement of a subpoena
11 under this subsection.”.

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